

Remarks

Careful consideration has been given the Official Action dated July 7, 2004 in preparing this amendment. The Examiner is thanked for his indication that Claim 7 contains allowable subject matter. However, reconsideration of Claims 1-7 is respectfully requested in light of the foregoing amendments and the remarks which follow.

Applicant's invention is directed to an adjustment mechanism which can be retrofit to any existing mercury bulb thermostat to make it humidity responsive. Accordingly, there is a first cylindrical mounting plate which attaches to the wall and a second cylindrical mounting plate that is mounted thereto and to which the existing thermostat is attached.

Claims 1-6 have been rejected under 35 USC §102(b) as anticipated by Pelishek. It is the Examiner's position that

As per claim 1, Pelishek discloses first mounting plate (base 1), second plate (arm 5) with attached mercury bulb thermostat 9 and being relatively rotational about base plate 1, and means 16 for sensing humidity and being relatively rotational about base plate 1, and means 16 for sensing humidity and adjusting the temperature setting accordingly (column 1, lines 16-19).

As per claims 2 and 3, Pelishek discloses means 16 being a helical spring which contracts and expands according to humidity (column 2, lines 18-35).

As per claims 4 and 5, Pelishek discloses hub 3a and slot 6.

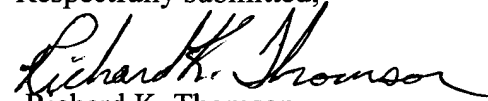
As per claim 6, Pelishek discloses second plate rotating about the hub, supporting thermostat/mercury bubble 9, and having a second end attached thereto (Figures 1 and 2).

As it may be applied to the amended claims, this rejection is respectfully traversed.

As noted supra, Applicant's device is designed to be retrofit to any existing mercury bulb thermostat. Pelishek is a mercury bulb thermostat which has a built in humidity detector. The do-it-yourselfer cannot simply buy an adjustment mechanism and install it in her/his home with the existing thermostat. S/he has to incur the expense of an entire new thermostat. Item 9 is not a mercury bulb thermostat as the Examiner has alleged, rather, it is the mercury bulb *for* a thermostat. This is a different matter entirely. "Second plate" 5 is not cylindrical as now required in Claim 1, nor does first plate 1 have an integral hub about which the spring is coiled nor does slot 6 receive a first end of the spring.

It is respectfully submitted that Claims 1-7 meet the formal requirements set forth in 35 USC §112, define around the art of record and are, therefore, in condition for allowance. Early indication of allowability is earnestly solicited.

Respectfully submitted,



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Certificate of Mailing under 37 CFR §1.8

I hereby certify that this amendment to the above identified application entitled "Self-Adjusting Mechanism for A Thermostat Responsive to Humidity" is being deposited with the United States Postal Service addressed to Commissioner for Patents, Mailstop Non-Fee Amendment, PO Box 1450, Alexandria, VA 22313-1450 with adequate first class postage on the date shown.

Signed



Date

Oct. 6, 2004